

Docket No. F-7920

Ser. No. 10/636,140

REMARKS

Claims 1-5 are now pending in this application. Claim 1 is withdrawn by the Examiner and is therefore so identified with a status indicator. The status indicated merely indicates the status indicated by the Examiner and does not indicate intent of the applicant to withdraw the claim. Claim 2 is rejected. Claim 2 is amended herein to clarify the invention. Other formal matters are attended to that were not addressed by the Examiner and accordingly are considered unrelated to substantive patentability issues. New claims 2-5 are added.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by the Morimoto reference. Applicant herein respectfully traverses these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

Docket No. F-7920

Scr. No. 10/636,140

The present invention of claim 2 includes the following feature:

an indexer configured to provide an index that relates the registered biometric information and the registered ID codes to each other using indexes that store respective ones of the ID codes and respective ones of the biometric information register locations whereat ones of the registered biometric information data are stored that are of a same person as the respective ID codes are assigned to[.]

The indexer provides for a locking apparatus including a personal authentication apparatus relating biometric information data with an ID code, a register registering them and the locking apparatus retrieving the registered biometric information data based on an ID code input by the user indirectly using the index.

On the other hand, Morimoto relates face data, which the examiner corresponds to the biometric information of the present invention, with attribute data, considered by the Examiner to correspond to the ID code of the present invention, in advance and registers them. However, the Morimoto reference does not disclose an index relating the attribute data with the face data in a manner in which attribute data is used to find locations where the face data and attribute data are stored. Therefore, the Morimoto reference does not provide a teaching of the presently claimed invention of claim 2.

Regarding this feature of the invention, the Examiner has asserted that the "classifying" of Morimoto corresponds to "indexing" of the present invention.

Docket No. F-7920

Ser. No. 10/636,140

However, the "classifying" means that the face data and the attribute data are registered to sort the face data or the registered person based upon the scanned biometric data of the persons face. Namely, the "classifying" is based on a condition after the analyzing face biometric information. This is apparent from col. 3 line 56- col. 4 line 3 and col.4 lines 18-26 of Morimoto.

In contrast, the indexing of the present invention means that it provides an index with locations of the registered biometric information data and the registered ID code respectively associated to indirectly relate the registered biometric information data and ID code to each other and is thus capable of indicating locations where the registered biometric information data is stored. Namely, the "indexing" is indirectly finding the biometric information data using the ID code unlike the "classifying" of Morimoto. In this way, the "classifying" of Morimoto and the "indexing" of the present invention are different from each other in a significant technical manner. Morimoto does not disclose the index and the indexer. Thus, Morimoto quite differs from the present invention of claim 2.

According to the present invention of claim 2, it can simply and surely authenticate a person according to an input code and biometric information input by the person. If the registered biometric information and ID codes corrupt wholly or partly, the present invention of claim 2 can quickly and easily reconstruct the corrupted data according to the indexes that relate the registered biometric information and the registered ID codes to each other.

Docket No. F-7920

Ser. No. 10/636,140

Namely, the index is related with the registered biometric information and ID codes respectively, so that it can quickly and easily reconstruct the corrupted data by provision externally of necessary data according to the index.

On the other hand, Morimoto does not disclose indexes related to face data and attribute data and an indexer. In addition, the "classifying" is the condition after the relating and differs from the "indexing" that provides indexes indirectly relating biometric information data and the ID codes. In other words, the Morimoto reference analyzes attributes directly resulting from biometric information to locate biometric information while the present invent use the ID code to locate the biometric information. Therefore, with regard to new claim 3 which provides for a host computer storing the registered biometric information data, the disclosed Morimoto system cannot quickly and easily reconstruct the corrupted data according to the indexes related with the registered biometric information and the registered ID codes unlike the present invention of claims 2 and 3.

Claim 2 thus particularly describes and distinctly claims at least one element not disclosed in the cited reference. Therefore, reconsideration of the rejection of claim 2 and allowance of claims 2 and 3 are respectfully requested.

RECEIVED
CENTRAL FAX CENTER
MAY 24 2007

Docket No. F-7920

Ser. No. 10/636,140

NEW CLAIMS

New claim 3 provide for a host computer which stores biometric information data used to replace corrupted biometric information data in the register using the indexes to identify the location of the corrupted biometric information data. Claims 4 and 5 provide the feature that the indexes are provided serially. It is respectfully submitted that these features distinguish the claims over the applied art.

REQUEST FOR EXTENSION OF TIME

Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of \$60.00 for the extension of time to Deposit Account No. 10-1250.

If there is any discrepancy between the fee(s) due and the fee payment authorized the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Docket No. F-7920

Ser. No. 10/636,140

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By C. Bruce Hamburg for H.F. Ruschmann
C. Bruce Hamburg Reg. No. 22,389
Attorney for Applicants
and,

By H.F. Ruschmann
Herbert F. Ruschmann
Reg. No. 35,341
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340